NEW DRUG SHIPPED WITHOUT EFFECTIVE APPLICATION

3742. Hormone feed. U. S. v. 11 Bags, etc. (F. D. C. No. 30807. Sample Nos. 29453-L, 29454-L.)

LIBEL FILED: February 26, 1951, Western District of Washington.

ALLEGED SHIPMENT: On or about September 2, 1950, by Wessanan's Koninklijke Fabrieken, N. V., from Wormerveir, Holland.

PRODUCT: 11 bags, each containing 4 packages, and 1 bag, containing 2 packages, together with 3 additional packages, of *hormone feed* at Nisqually, Wash.

RESULTS OF INVESTIGATION: There was in the possession of the consignee a letter from the shipper dated June 2, 1950, representing the article as effective to promote growth and improve meat and fat of cattle, chickens, and other farm animals.

LABEL, IN PART: (Package) "10 K. G. Vevoron 95 Majsmel 5 Veveron—Methyl-thiouracil"; (shipping case) "Vevoron for Cattle."

NATURE OF CHARGE: Section 505 (a), the article was a new drug within the meaning of the law, and an application filed pursuant to the law was not effective with respect to the article.

DISPOSITION: July 1, 1952. Default decree of condemnation and destruction.

DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS*

3743. Misbranding of dextro-amphetamine sulfate tablets and Seconal Sodium capsules. U. S. v. Hoffman's Pharmacy and Guy W. Hoffman. Pleas of nolo contendere. Each defendant fined $150 and placed on probation for 1 year. (F. D. C. No. 32710. Sample Nos. 1549-L, 1551-L, 1880-L, 1881-L, 1885-L, 1886-L.)

INFORMATION FILED: May 2, 1952, Northern District of Georgia, against Hoffman's Pharmacy, a partnership, Atlanta, Ga., and Guy W. Hoffman, a partner in the partnership.

ALLEGED VIOLATION: On or about August 22 and September 4 and 5, 1951, while a number of *dextro-amphetamine sulfate tablets* and *Seconal Sodium capsules* were being held for sale at Hoffman's Pharmacy after shipment in interstate commerce, the defendants caused quantities of the drugs to be repacked and dispensed without a prescription, which acts resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drugs failed to bear labels containing accurate statements of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use.

Further misbranding, Section 502 (d), the repackaged *Seconal Sodium capsules* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the labels of the repackaged capsules failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

*See also No. 3760 (veterinary preparations).

DISPOSITION: June 5, 1952. Pleas of nolo contendere having been entered, the court imposed a fine of $150 against each of the defendants and placed them on probation for 1 year.

3744. Misbranding of Seconal Sodium capsules. U. S. v. Calvin H. Garner. Plea of guilty. Fine, $250. (F. D. C. No. 31282. Sample Nos. 13198–L, 13199–L.)

INFORMATION FILED: December 5, 1951, Northern District of Texas, against Calvin H. Garner, a pharmacist, employed at the Earl Burns Drugs store, Sweetwater, Tex.

INTERSTATE SHIPMENT: From the State of Indiana into the State of Texas, of quantities of *Seconal Sodium capsules.*

ALLEGED VIOLATION: On or about April 27 and May 2, 1951, while the drug was being held for sale after shipment in interstate commerce, the defendant caused quantities of the drug to be repacked and dispensed without a physician's prescription, which acts resulted in the repackaged drug being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (a), the labeling of a portion of the repackaged drug was false and misleading since it represented and suggested that the repackaged drug was "Dilantin Sodium," manufactured by Parke, Davis & Co., whereas the drug was *Seconal Sodium,* manufactured by Eli Lilly & Co.; and the labeling of the remainder of the repackaged drug was false and misleading since it represented and suggested that the drug was "High Blend B Complex With Liver and Vitamin C," whereas the drug was *Seconal Sodium.*

Further misbranding, Section 502 (b) (1), the repackaged drug failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

Further misbranding, Section 502 (d), the repackaged drug contained *Seconal Sodium,* a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the label of the repackaged drug failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (1), the labeling of the repackaged drug failed to bear adequate directions for use.

DISPOSITION: May 2, 1952. A plea of guilty having been entered, the court imposed a fine of $250.